App F IX 4

Previous References

1946 47
(mil)

File No 40-47
Serial Nos 106 107

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos
1 to 8

Part B for D 2 47

SUBJECT

Election of Mr B. D. Munnalal Setty as Vice President of the Kanara Minor Municipal Council.

D 12043 D 22/12/47

Mr Campbell, Mr Medlicott, Mr

Letter no Mb R C 811/47-48 d/15-11-47 from the Dy commnr. Hassan St, requesting to notify the election of Mr D D Thrumala setty as the New Pdt of the Konanur minor mc cl

? "W & X"

1 The meet for elng a New Pdt was held on 20 s 47 Objection petitions Contesting the validity of the election were filed before the Dy Commnr, Hassan St and the Sub Div Officer Though the petitions were dated 29-8 47 they bear the seal of the Offices of the Dy Commnr & the sub div officer on 1-9-47

2 Rule 12 of the rules relating to the election of New Pdts of Minor mc cls runs as follows.

"The validity of the election may be Contested by a petition signed by at least three Councillors and filed before the Dy comm within seven days from the date of election and shall allege specific grounds for setting aside the election"

3 If the date on which the election was held (25-8 47) is also taken into Consideration for Calculating seven days, the petn filed objecting to the election would not be in time as it was received in the D Cs Office on 1-9-47 It should have been received in the D C's office on 31-8 47

4 Steps for orders of the D C may be written to in the matter.

5 The Petitioners Contest that the election was not held in accordan

with rules 46 & 47 of the election rules.

When the sub Divn officer held an enquiry, the petitioners themselves have presented another Petition stating that they have compromised and that the election held may be approved.

It is a point for orders whether the subsequent Petition filed by the Petitioners solves the objections raised in their original Petition

The Law section will also be consulted

should for orders

UKB 19/11

Since 31 & 47 happened to be a holiday (Sunday), the presentation of the objection petition on 1-9-47 has to be construed as being in time, as 1-9-47 was the next working day

It is alleged that although under rule 46 of the rules regulating the election of vice presidents - a minimum the names of all the eligible candidates for the office was notified 5 days earlier, yet under rule 7 thereof, only two names of candidates were mentioned instead of existing three names of Candidates viz K Venkatasamiah, B D Munuswamy himself & K S Narayanaswamy

(1) The point is that the name of one K Venkatasamiah who withdrew

before the [illegible] commenced there
have been entered in the Writ Paper
a check off, before it was handed
over to the M.I. counters for recording
their votes. This omission was found to
have placed the Moderate members of the
M.L. at a disadvantage, as the Forest
order of the Constituents would be mistaken
2 thus confusion caused in the minds of
some voters (vide Fe Statement of Mr
Bypass before the S.D.O. on 17/10/49).
The subsequent statement of the petitioners
to the effect that they have complained
about the defect caused by the non-observance
of the mandatory provisions of Rules of the
above rule

(1) Mr S.D.O (enquiry Officer) has stated
that the objection raised have not been
substantiated to show that the election has
been vitiated. Mr D.C has framed
no opinion on the findings of the

S.D.O. [illegible] rules are framed
under a statute, it is up to the

2610/Law

Officers concerned to act strictly in
conformity with them. Any deviation
therefrom would be construed as an
irregularity which might vitiate the
election proceedings

13 The Hon'ble Minister of the Law Section might be
pleased to see the above points and if the
election held might be ensured as being
free from legal flaws might be approved

21/11/47

Law
28/11/47

14 Law Secy
O/C

8
25/11/47
25/11/47

25/11
25/11

15 The facts of the case are explained in th [illegible] D
and the notes at paras 8 to 13 supra

16 It is seen from the depositions of Messrs Hanumanthiah,
Jarmani Go da and Byrian, examined as witnesses by the
Subdivision Officer, that the names of all the eligible
candidates were announced on 20th August 1947, viz
5 days before th date of election as required by Rule 4
of the Rules

17 Again, Rule 7 provides that "every councillor wishing
to vote, shall be supplied with a voting paper bearing the
seal of the Municipal Council on which names of all the
candidates shall be printed or typed or written in English
or Kannada in the prescribed form It is clear from the
proceedings of the meeting and the depositions that one

candidate r Venkataramiah withdrew his candidature which was made known to all the councillors at the time of voting the ballot paper is said to have contained the names of the remaining twocandidates This does not appear to be an irregularity vitiating the election The parties have also filed a compromise petition to show the frivolousness of the contention In the circumstances, irregularities, if any, may be condoned by Government under Rule 14 of the Rules

Law Secy) 27/11

Rev Secy) 18
MC)

28/11

29/11

5644
1/12

By The opinion of the Law Deptt may be accepted and to elections of the B D Municipalities as to recommendation of Kumarasamy MLA approved & notified in Rule 13 of the original rules

Secy 24/12/47
I agree

Minister L.S.G.

The election of B D Municipalities Approved

13/12/47

15/12/47

15/12

OFFICE OF THE MINISTER FOR LOCAL SELF GOVERNMENT
No 462
Date 15 12 47

TYPIC SECTION
17 DEC 1947

ML40-47 2544/L

2L 107) To The Comptroller, Mysore Gazette

No L/2043 Dy 22/12/47

Notifies the election to the Bangalore Municipal Council as Vice Pdt of the Konanur minor ME el

B
26/12

ML 40-47-106

Office of the Deputy Commissioner,
Hassan District,
Dated [illegible] October '47

No L C 611/47-48

Records

From

The Deputy Commissioner,
Hassan District

To

The Secretary to Government,
Revenue Department,
Bangalore

RD 2544
18 NOV 1947
LS G BRANCH

Sir,

Re the election of a Vice President to Aonanur Minor Municipality

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I have the honor to state that the Minor Municipal Council of Aonanur was reconstituted with effect from 1-7-1947 and the new Council having desired to have an elected Vice President the election was fixed to 25-8-1947 and out of three candidates for the office Mr A Venkataramaiya withdrew his candidature before the poll commenced and ballot was taken between the two remaining candidates viz, Mr B D Thirumala Setty and Mr C S Narayana Rao who secured 8 and 6 votes respectively Mr B D Thirumalasetty having secured the larger number of votes he was declared elected as Vice President

On 1-9-1947 an objection petition signed by three Municipal Councillors was received contesting the validity of the election on the ground that ballot papers used were not in accordance with rule 7 of the election rules, that the Municipal Councillors voted with fear and that all the three names of the candidates were not mentioned in the ballot paper as required by rule 4 but only the names of two candidates were noted in the ballot paper which has caused the members to mark their vote for candidates not interested by them and that the election may therefore be set aside etc The petition was referred to the Sub Division Officer, Hassan for enquiry and report

During enquiry all the three petitioners have stated that they voted for the persons whom they desired and that the fact of withdrawal of the candidature of Mr A Venkataramaiya was intimated to them at the meeting before the poll commenced further these petitioners have presented a petition to the Sub Division Officer stating that they have compromised and that the election held may be approved They have not substantiated the objections raised in their petition to show that the election held was invalid

Rule 4 of the election rules lays down that the names of all the eligible candidates for the office should be notified 5 days earlier and Rule 7 says that the names of all the candidates should be printed or written in the ballot paper The Sub Division Officer has stated that from his enquiry it is found that the objections are not tenable and that the ballot papers were in the prescribed form

In the above circumstances I request that the election of Mr B D Thirumalasetty as Vice President may kindly be approved and caused to be notified in the Mysore Gazette

2

The connected records are enclosed for favour of perusal

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District 18/11

2544
L

Submitted with a draft Notfn for approval
18/11
18/11/47

pl keep up for signature
18/11/47

L 12043/ ml 40-41-10)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat 22/12/47

Dated Bangalore

NOTIFICATION

Under ~~Section 23 (4) of the Mysore Town Municipalities Act 1933~~ Section 10 (4) of the Mysore Minor Municipalities Act 1933 Mr B L Thirumalacharya is elected Vice President of the Konanur ~~Town Municipal Council~~ Minor Municipal Council, Hassan District

By Order

Secretary to Government
Law Department

To—The Compiler Mysore Gazette for publication in Part III-3 of Gazette and supply of five copies thereof to the Secretariat and to the Deputy Commissioner of the District Concerned

MEMO NO L 12044 22 12 47)

Copy to the above is forward with comliments to the Deputy Commissioner Hassan District for information with reference to his letter No ML & C 811/47-48 dated 15/11/1947

The records accompany

By Order

18/11/47

For Secretary to Government
Law Department

P. 18 4 47